Serial Number: 09/511,256   5

REMARKS

The Examiner had objected to the disclosure on the basis that page 1, line 5 referred to application serial number 09/459,824 which was incorrect. However, this informality was corrected in the previous amendment which specified SN 09/449,824 filed 11/26/99, entitled "User Identification Over Circuit And Packet Switched Networks", now abandoned.

In addition, the Examiner has not acknowledged receipt of replacement drawing sheets for Figs. 1 through 4C, 6, 7 and 7-4 which were enclosed with the previous amendment. Acknowledgement is requested.

The Examiner had objected to informalities in claims 3, 4-17. Where not otherwise cancelled, these have been corrected

The Examiner had rejected claims 10, 13 and 16-17 under Section 112 for lack of antecedent basis of certain terms. Proper antecedents have now been supplied.

The Examiner had rejected claims 3, 5-9, 11-12 and 14 under Section 102 on the basis of Busey et al patent 6,377,944.

While Busey does show a packet switched call center communications system using voice over IP to any of a plurality of attendant positions, as set forth at col. 4, lines 41-67, applicant's other claim limitations are not met. This is clear from the Examiner's citing to Busey col. 9, lines 42-55 as meeting applicant's claimed structural element "means operable incident to an incoming call arriving to said subscriber for submitting a respective subscriber-defined questionnaire to a caller". This element is not met by col. 9 of the Busey reference which describes his Fig. 3. Fig. 3 shows a block 302 labeled "User enters query" that connects to block 304 labeled Query FAQ and Knowledge Base(s). Clearly this portion of Busey's Fig. 3 and his accompanying col. 9 text relates to a user accessing a "corporate web site" and "clicking . . . to access a web page prompting for a question, type of question, or other information . . .". This rather

5

Serial Number: 09/511,256   6

conventional internet procedure (involving perhaps use of a login and password) is not what is recited in claim 3. Applicant's claim 3 relates to what happens when a user initiates a *telephone call* to a customer's ("corporate") directory number, not what happens when a user accesses a customer's web site. Nor does Busey meet claim 3's further requirement " that the means for submitting the questionnaire to the user is "controllable by any of said attendant positions". What Busey's user accesses is a web page, not a questionnaire controllable by the subscriber's attendants. ⁾

Busey, continuing at col. 9, states that from the corporate web page the user may request agent assistance. If agent assistance is requested, the user is then queued by Busey's "WebACD" and, when connected to an agent, the agent may access the "history/CIS" to obtain "datawake" history data about the customer's previous calls. The Examiner next cited to Busey's descriptions at col. 7, lines 49-65; col. 8, lines 9- 26; and col. 13, lines 41-49. These sections of the Busey reference deal with the assignment of calls queued in the WebACD (which may be assigned to agents "based on numerous factors including the type of communication – chat, email, voice, web-page, IP voice -, availability of agents, agent efficiency and customer priority rating.") and informing users as to their positions in the queue and agent's as to the details of pending calls.

The Examiner has admitted, however, that Busey does not show means for processing the questionnaire that includes means for indexing the questionnaire according to the directory number of the caller (as in claim 4) and the located directory number as in claim 10. Accordingly, claim 4's limitations have been included by amendment of claim 3 and claims 4 through 8 have been cancelled in view of the protection of the remaining claims.

The Examiner had, however, rejected claim 4 under Section 103 on the proposed combination of Busey and Birze patent 5,926,537 on the basis that Birze shows caller ID forwarding to the called party so the called party can ascertain the identity of the calling party before choosing to answer the call. However the next assertion, that the

6

Serial Number: 09/511,256   7

called telecommunications exchange is then able to selectively screen the incoming call depending on the directory number thereby defining an allowed list and/or disallowed directory numbers without manual intervention, citing to Birze at col. 1, lines 24-25 has no basis in Birze's disclosure.

Birze, at the point cited by the Examiner, is reviewing the prior art of caller ID which allows a called party to look at a caller ID display screen and manually decide whether or not to answer it. Birze disparages this prior art approach as keeping the *calling* party "clueless", and then goes on to teach his contribution which was for the terminating office to send a tone back to the caller to tell the *caller* whether the called number is an private home or a commercial establishment. Birze teaches nothing else about the terminating office "selectively screening according to the identification of the *calling* party". The combination proposed by the Examiner is not to be found by combining the teachings of Busy and Birze.

Accordingly, claim 3, which now includes the limitations priorly separately set forth in claim 4, should be allowable. Likewise, claim 10 which variously depends from amended claim 3, relates to a call center communications system that includes a data base accessible to the feature server and administerable by the subscriber and which further includes means for conducting a text spotting search of the data base to locate a directory number corresponding to caller. This text spotting search to locate a directory number is useful where caller ID does NOT in fact identify the caller to the terminating office. Accordingly, claim 10 should be allowable over the combination of Busey and Birze because it solves a problem envisioned by neither.

The Examiner had rejected claims 13 and 15-17 under Section 103 on a proposed combination of Busey and Gisby patent 6,259,786. Gisby discloses a system which remembers a caller's ID when no agent is available so that a callback can be made, *maintains the caller's position in a "virtual queue"*, and when an agent becomes available, performs the callback and informs the caller that he will now be connected to

7

Serial Number: 09/511,256   8

an available agent. Gisby merely teaches *maintaining* a caller's position in a queue, but not queue control as claimed by applicant's use of the term "frozen", which is described in detail at page 20 of applicant's specification:

>To better understand the manner of queuing, it is helpful to understand the meaning of a "frozen" call. The term "frozen" refers to applying software limits on the queue so that a particular call In the queue can not arbitrarily be moved down In priority but may, however, move "up" In the queue, as is described in Fig. 7-6. Once a call has been marked as frozen, the queuing software will not automatically place another call in front of (on top of) this particular call. This prevents a caller from being contInuously bumped to lower positions in the call queue if a plurality of predefined "more important" calls arrive in sequence while the caller is in queue. This prevents new callers or callers without a predefined call priority from never being answered and "hanging up" which is an important consideration for call center or other similar business applications. As has been mentioned above with respect to Fig. 4c, freezing a call is a software limitation and may be over-ridden.

Accordingly, no combination of Busey with Gisby's teaching of simply maintaining a caller's position in a queue not subject to priority changes will yield the structure set forth in applicant's claims 13 and 15-17.

Reconsideration and withdrawal of the grounds of rejection and issuance of the patent with claims 3, 9 and 12 – 17 is requested.

OFFICIAL

RECEIVED
CENTRAL FAX CENTER

SEP 1 0 2003   8